III. REMARKS

In the Office Action, Claims 1-2, 4-12 and 14-19 were rejected under 35 U.S.C.103 as being unpatentable over Hasegawa (US 6,370,587) in view of Schwartz (US 6,473,609) for reasons set forth in the Action. Claims 3 and 13 were rejected under 35 U.S.C. 103 as being unpatentable over Hasegawa in view of Schwartz and further in view of Eldridge (US 6,487,189) for reasons set forth in the Action.

The claims are believed to be allowable in view of the following argument.

Present claim 1 teaches that the communication system comprises at least a first communication network (NW1), a second communication network (NW2) and a multimedia message switching centre (MMSC). Thus, the present invention deals with a situation in which there is a choice of communication networks. Claim 1 teaches further that an address type is used to select the communication network (NW1, NW2) to be used for transmission of the message from the multimedia message switching centre (MMSC) to a receiving terminal (RH, MS2). This teaching of claim 1 is very different from the teaching of the cited Hasegawa.

Hasegawa teaches, in column 2 at lines 20-45, a network system having different types of networks, wherein it is an object to transmit a message to a plurality of terminals connected to the different types of networks. A further object is to provide an interconnection device enabling the sending of a message from a terminal of one type of network to terminals of other types of networks. This is accomplished by use of an address table and

an address converter. Hasegawa accomplishes his goal by changing the address appended to a message so that the message can be sent over any one of a plurality the different types of networks.

Hasegawa does not teach the selection of a network based on address type, as is practiced by the present invention, but teaches the changing of an address to fit a network. In view of this great distinction between the teachings of Hasegawa and the present invention, it is urged that Hasegawa considered alone or in combination with Schwartz and Eldridge cannot be regarded as suggesting the present invention. Furthermore, these teachings are so diverse, that there is no motivation to combine the teachings of the cited references in an attempt to suggest the practice of the present invention.

The examiner acknowledges (top of page 3 of the Office Action) that message addresses are converted by Hasegawa. However, the examiner states (four lines from the bottom of page 2) that the address type is used to select the communication network in the teaching of Hasegawa. This opinion of the examiner is respectfully traversed; in Hasegawa, the address type is used to address the transfer address table (memory) to obtain the conversion addresses for communication via a plurality of the different types of networks. Please note that Hasegawa (col. 5 at lines 45-57; col. 6 at lines 42-47) sets forth the address conversion process to enable communication via various ones of the networks. There is no selection of a network to fit an address type appended to a message by the sending station, as in the present invention.

Similar comments apply also to the independent claims 11, 18 and 19. Therefore, it is urged the combination of the teachings of the cited art do not support the rejection under 35 U.S.C. 103, and the claims are believed to be allowable.

Contrary to the teachings of Hasegawa, it is noted that the present specification (page 8 at lines 7-14) sets forth clearly that one of the problems, which are overcome by the present invention, is the extra work and updating to be accomplished if the message switching center is to store information about the address type and address for each receiver. As noted above, the solution of Hasegawa is based on look-up tables (col. 2 at lines 36-38) and has the foregoing difficulties.

The solution of the present invention supplements the address data with the address type. Thus, all the information is included in the sending device. The sending device utilizes a data frame, which complies with multimedia messaging service transfer protocol, and contains a field for address-type data plus address data, and a second field for payload.

With respect to the rejection of claim 2, the examiner notes that one would be motivated to do so, to allow handheld and wireless devices to communicate with the internet. However, the point to be considered here is not communication but the transmission and reception of multimedia messages. Communication may be, for example, the sending of a handshake, but the sending and receiving of multimedia messages is a much more complicated event.

The foregoing argument is believed to overcome the rejections under 35 U.S.C. 103. Comments on the applicability of the teachings of Schwartz and Eldridge are presented in the previous response. A new claim 20 is presented to emphasize the foregoing distinctions between the teachings of the cited art and the present invention. Claim 20 is similar to claim 1, but sets forth specifically the step of selecting the communication network to be used in the transmission of the message from the multimedia message switching centre to the receiving terminal. Claim 20 is believed to be allowable in view of the foregoing argument.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of $86.00 is enclosed for additional claim fees. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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